

REMARKS

This is a response to the final Office Action mailed May 5, 2004, with a shortened statutory response period ending on August 5, 2004. This response is filed within the statutory response period. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

The indication of allowable subject matter in claims 18, 20, 22-23, 25-26 and 28 is noted with thanks and appreciation. Claims 1-2, 8, 19, and 63-66 have been canceled.

Claims 1-17, 19, 39-45 and 61-67 were rejected under 35 U.S.C. §112 1st paragraph as the claim recitation “having a DSC melting point of 100°C or lower” was alleged not to be provided in the specification. Claims 1-20, 22-23, 25-26, 28 and 61-66 were rejected under 35 U.S.C. §112 2nd paragraph as the term “or the like” in claims 1 and 18 was alleged to be indefinite. The recitations “having a DSC melting point of 100°C or lower” and “or a tank liner or the like” have been removed from the claims rendering these rejections moot. Applicants respectfully submit that these amendments do not narrow the scope of the claims or surrender any claimed subject matter. In view of the foregoing amendments and remarks, Applicants respectfully request that the §112 rejections be withdrawn.

Claims 1, 4-7, 9-14, 16-17, 39-45 and 61-64 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,361,843 to *Smith* et al. (*Smith*). Claims 1, 4-7, 9-10 14, 16-17, 39-41 and 61-64 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,610,392 to *Ramesh* et al. (*Ramesh*). Claims 11-13 and 42-45 were rejected under 35 U.S.C. §103(a) as being obvious over *Ramesh* in view of U.S. Patent No. 4,487,885 to *Adur* et al. (*Adur*). Claims 2-3 were rejected under 35 U.S.C. §103(a) as being obvious over *Smith* in view of U.S. Patent No. 5,695,840 to *Mueller* (*Mueller*). Claims 2-3 were rejected under 35 U.S.C. §103(a) as being obvious over *Ramesh* in view of *Mueller*.

Claims 3-7, 9-17, 20, 22-23, 25-26, 28 and 61-62 depend from allowed claim 18, therefore these claims are similarly allowable. Independent claims 39 and 67 recite that the first and second exterior layers are directly attached to each other. The Examiner has found this subject matter to be novel and unobvious in view of the prior art. See ¶ 28, Office Action mailed May 5, 2004. Consequently, Applicants respectfully submit that *Smith*, *Ramesh*, *Adur* or *Mueller*, either alone or in any combination, fail to teach or suggest a structure having an exterior

polyolefin layer directly attached to an exterior PCCE or polyamide layer as recited in claims 39-45 and 67.

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 3-7, 9-18, 20, 22-23, 25-26, 28, 39-45 and 67 are in a condition for allowance and respectfully request an early notice of the same.

Respectfully submitted,

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